

EXAMINER'S AMENDMENT

10/071,667

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Augustin on August 27th, 2008.

The application has been amended as follows:

AMEND Claim 104 as Follows:

in Line 5, **DELETE** --at least some of--

in Line 6, **REPLACE** --is covered with-- with --having--

in Line 11, **REPLACE** --20 to 100-- with --40 to 80--

CANCEL Claim 108

AMEND Claim 112 as Follows:

in Line 5, **DELETE** --at least some of--

in Line 6, **REPLACE** --is covered with-- with --having--

in Line 12, **REPLACE** --20 to 100-- with --40 to 80--

CANCEL Claim 116

The following is an examiner's statement of reasons for allowance:

Kaplan (US 5,282,861) discloses a porous biocompatible metal network having metal webs and an open cell structure with a pore size of 100 to 1000 microns. Kaplan fails to disclose as discussed in the Interview conducted on April 9th, 2008 an "empty

12/21/2008